

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERLINE JONES,

Plaintiff,

v.

Case No. 23-10954

TERESA VALVERDE, *et al.*,

Sean F. Cox

Defendants.

ORDER
GRANTING APPLICATION TO PROCEED *IN FORMA PAUPERIS*
AND PARTIALLY DISMISSING ACTION

Acting *pro se*, on April 21, 2023, Plaintiff Sherline Jones filed this action against Defendants, Teresea Valverde, Merico Zanotti, David Stockwell, and Dennis Haygood.

Plaintiff used a form complaint to file this action. On the form, Plaintiff indicated her cause of action is “defamation, slander, libel with damages.” Plaintiff also attached several pages to her complaint, describing her claim in further detail.

Plaintiff alleges that she applied for, and was offered a position as a Call Center Manager with the VA in California. (ECF No. 1 at PageID 11). Plaintiff claims that when she moved out to California, to start the position, Teresa Valverde asked her to perform work completely different from the description of the job she accepted. *Id.* Plaintiff then informed Valverde she did not want this new job, requested a transfer, and returned home to Michigan. *Id.*

Since her request to transfer, Plaintiff alleges that Valverde has made it impossible to find a new job by providing negative references to prospective employers, personally harassing her

through official VA channels, and by falsely indicating to prospective employers that Plaintiff was fired from her position. *Id.* at PageID 13.

Along with her Complaint in this action, Plaintiff also filed an application to proceed *in forma pauperis*.

Indigent litigants may request a waiver of filing fees under 28 U.S.C. § 1915. Having reviewed Plaintiff's application to proceed *in forma pauperis*, this Court **GRANTS** that application.

Because Plaintiff is proceeding *in forma pauperis*, the applicable statute requires this Court to dismiss this case, at any time, if it fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(b)(2) ("the court shall dismiss the case at any time if the court determines that" the action "fails to state a claim on which relief may be granted."). In addition, because federal courts are courts of *limited jurisdiction*, they "have an independent obligation to investigate and police the boundaries of their own jurisdiction." *Douglas v. E.F. Baldwin & Assocs., Inc.*, 150 F.3d 604, 607 (6th Cir. 1998).

As an initial matter, Plaintiff has plead adequate facts for the Court to find it has diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff alleges that she is a Michigan citizen, while all Defendants are California citizens. (ECF No. 1 at 4). Additionally, Plaintiff alleges damages well more than \$75,000.

As to the merits of Plaintiff's claim, this Court is mindful that *pro se* complaints must be liberally construed. When so construing Plaintiff's Complaint, it appears Plaintiff has alleged sufficient facts to make a cognizable claim of libel against Defendant Teresa Valverde. *Locricchio v. Evening News Ass'n*, 438 Mich. 84, 115–116, 476 N.W.2d 112 (1991) (stating that

the elements of libel are “1) a false and defamatory statement concerning the plaintiff, 2) an unprivileged communication to a third party, 3) fault amounting to at least negligence on the part of the publisher, and 4) either actionability of the statement irrespective of special harm or the existence of special harm caused by publication”).

However, Plaintiff’s complaint is lacking with respect to Defendants Merico Zanoliti, David Stockwell, and Dennis Haygood. Plaintiff’s description of the events spurring this suit does not mention any of the above Defendants. Therefore, Plaintiff’s complaint fails to state a claim upon which relief may be granted with respect to Defendants Merico Zanoliti, David Stockwell, and Dennis Haygood.

Accordingly, **IT IS ORDERED** that Plaintiff’s application to proceed *in forma pauperis* is **GRANTED**. The clerk is **ORDERED** to issue summons upon receipt of the completed summons and USM-285 form for the defendant. The United States Marshal is **ORDERED** to serve the completed summons with a copy of the complaint on the defendant. The United States will advance the costs of service. If the completed summons and USM-285 forms are not submitted as directed, the complaint may be dismissed.

IT IS FURTHER ORDERED that Plaintiff’s claims against Defendants Merico Zanoliti, David Stockwell, and Dennis Haygood are **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(1). The only remaining Defendant is Teresa Valverde.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 2, 2023